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IN THE CLAIMS:

Please amend claims 201 and 202, and add new claims 217-218 as set forth in the complete listing of the claims and their status follows. This listing replaces and supercedes all prior claim listings.

Claims 1-116 (cancelled)

117. (previously presented) An apparatus for the distraction and support of tissue surfaces in a given direction, comprising a plurality of elements in cooperative contact forming an expandable structure between said tissue surfaces generally extending in the given direction, said elements each being substantially similarly configured for consecutive individual receipt between said tissue surfaces in a direction generally transverse to said given direction to thereby expand said structure and distract said tissue surfaces as said elements are consecutively received.

118. (previously presented) The apparatus of claim 117, wherein each element has an interface, the interfaces of elements in contact being configured to provide said cooperative contact.

119 -120 (canceled)

121. (previously presented) The apparatus of claim 118, wherein said interfaces are configured to provide constrained degrees of cooperative contact.

122 – 124 (canceled)

125. (previously presented) The apparatus of claim 118, wherein said interfaces are generally flat.

126. (previously presented) The apparatus of claim 125, wherein said structure is defined by a plurality of wafers each having said generally flat interfaces, one wafer being disposed atop another wafer to form said structure.

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127. (previously presented) The apparatus of claim 117, wherein said tissue surfaces are superior and inferior surfaces of a damaged or diseased vertebral body in a spine, and wherein said elements are configured for consecutive receipt into said vertebral body to form said structure between said superior and inferior surfaces of said vertebral body.

128. (previously presented) The apparatus of claim 117, wherein said tissue surfaces are superior and inferior endplate surfaces of opposing vertebral bodies in a spine, and wherein said elements are configured for consecutive receipt between said vertebral bodies to form said structure between said superior and inferior endplate surfaces of said opposing vertebral bodies.

129. (previously presented) The apparatus of claim 117, wherein said tissue surfaces are surfaces of a damaged or fractured tibia, and wherein said elements are configured for consecutive receipt between said surfaces to form said structure between such surfaces.

Claims 130-200 (cancelled)

201. (currently amended) The apparatus of claim ~~117~~ 218 wherein each of said plurality of elements is a wafer having a length and a width and further wherein ~~the wafer defining the~~ said bottom-most wafer in said structure has a length larger than at least one other wafer in said structure.

202. (currently amended) The apparatus of claim ~~117~~ 218 wherein each of said plurality of elements is a wafer having a length and a width and further wherein ~~the wafer defining the~~ said top-most wafer in said structure has a length larger than at least one other wafer in said structure.

203. (previously presented) The apparatus of claim 202 wherein said wafer defining said bottom-most wafer in said structure has a length larger than at least one other wafer in said structure.

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204. (previously presented) The apparatus of claim 121, wherein said interfaces define complementary ridges and grooves.

205 - 216 (withdrawn)

217. (new) The apparatus of claim 117, further including a top-most element and a bottom-most element, said plurality of elements being disposed between said top-most element and said bottom-most element.

218. (new) The apparatus of claim 217, wherein one of said top-most element and said bottom-most element is configured differently than said elements in said plurality of elements.